

### **REMARKS/ARGUMENTS**

The Applicant respectfully requests that the Examiner consider the following remarks in addition to the above claim amendment.

#### **Amendments to the Specification**

The Examiner disapproved the Applicant's proposed amendments to three paragraphs of the specification. In the above amendments, and per the Examiner's request, the Applicant has represented these amendments by referring to the paragraph numbers of the specification as originally filed rather than to the paragraph numbers as published. Since the Examiner disapproved the 8 August 2007 amendments to the specification, the Applicant has presented the amendments without regard or reference to the 8 August 2007 amendment.

The Applicant notes for the Examiner that numbered paragraph [0006] on page 2 of the specification as originally filed was incorrectly split into two paragraphs in the application as published by the USPTO on 15 June 2006 (see numbered paragraphs [0008] and [0009] in US patent application publication no. US 2006/0126819 A1). The Applicant also notes for the Examiner that numbered paragraph [0006] on page 4 of the specification as published in the corresponding international patent application (i.e., app'n no. PCT/US2003/041934, which was published under international publication no. WO 2004/068823 A3 on 12 Aug 2004) is the same as numbered paragraph [0006] on page 2 of the specification as originally filed. The Applicant assumes that this inadvertent paragraph splitting will get corrected by the USPTO since the Examiner has requested that the Applicant make all corrections with regard to the specification as originally filed, and the paragraphing was correct as originally filed. If the Applicant needs to take other corrective action, it would be greatly appreciated if the Examiner would so inform the undersigned attorney.

#### **Withdrawn Claims 14-21**

The Applicant has cancelled withdrawn claims 14-21 without prejudice and may renumber and re-file these claims in this application or in a continuation or divisional based upon the present application.

#### **Claim Rejections Under 35 USC § 103(a)**

Claims 1-3 and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Kong (US patent no. 6,072,859) in view of Fuller et al. (US patent no. 5,673,200). The Applicant respectfully traverses these rejections for at least the following reasons.

Regarding independent claim 1, the Examiner relies upon Kong in view of Fuller et al. The Examiner cites Figs. 1 and 2; col. 3, l. 22, to col. 4, l. 39; and claims 1-9 of Kong '859

as supporting the assertion that Kong '859 discloses "selecting and playing a second one of the plurality of aural announcement in response to receipt of a second ring pulse during the incoming call." The Applicant, however, can find no support in Kong '859 for selecting and playing more than one announcement. In particular, Kong '859 discloses only one, generic message, namely, "There is a call from (someone) whose number is XXX-XXXX." See, for example, Kong, col. 3, ll. 55-51; and col. 4, ll. 29-30. The specific portion of Kong '859 relied upon by the Examiner discloses the playing of only one, generic message, and always refers to "a message" or "the message" in the singular. See, for example, Kong, col. 3, ll. 23-24 ("a voice message"); col. 3, ll. 34 ("the voice message"); col. 3, l. 46 ("a voice message"); col. 3, l. 48 ("a predetermined voice message"); col. 3, ll. 49-50 ("a prerecorded voice message"); col. 3, ll. 52-53 ("the voice message"); col. 4, l. 29 ("the voice message"); col. 4, l. 31 ("The voice message"); col. 4, l. 33 ("the voice message"); and col. 4, ll. 35-36 ("the voice message"). Further, the device disclosed in Kong '859 appears to persistently store only names (e.g., people's names or firm names) and telephone numbers in memory. See, for example, col. 3, ll. 32-34 ("a memory 50 for storing a list of callers' telephone numbers and their names, or firm names"); and col. 4, ll. 8-10 ("The CPU 10 searches the list of caller's name and telephone number registered in the memory 50 (in step 110)."). The Kong device inserts the name and telephone number that it finds in its memory into the otherwise generic announcement noted above, and then delivers that now complete message. See, for example, col. 3, ll. 49-54 ("For example, a prerecorded voice message such as 'there is a call from (someone) whose number is XXX-XXXX.' is stored in memory, and then the part of caller's telephone number and name among the voice message can be changed according to the telephone number detected from the subscriber's line.").

The Examiner does state in the last full paragraph on page 4 of the Office action that "Kong does not disclose means for associating a plurality of aural announcements with the identified telephone number." The Examiner is apparently referring to paragraph (2) of claim 1, which requires "means for associating a plurality of aural announcements with said identified telephone number, wherein said plurality of aural announcements identify the incoming caller to the call-receiving party." The Applicant agrees with this statement. The Applicant respectfully submits, that it is inconsistent to assert, on the first hand, that Kong fails to "disclose means for associating a plurality of aural announcements with the identified telephone number" and to assert, on the other hand, that Kong does disclose "means ... for selecting and playing a second one of the plurality of aural announcements in response to receipt of a second ring pulse during the incoming call." Since Kong fails to

disclose associating multiple announcements to a specified telephone number, it logically cannot disclose selecting and playing a second announcement associated with the same telephone number.

The Examiner next refers to Fuller et al. '299 as teaching "means (control system) for associating a plurality of audible voice announcements with a given telephone number, and selecting and playing one of the announcements [Figs. 1, 7; col. 70, lines 17-26; col. 17, line 47 to col. 19, line 6; col. 3, line 35 to col. 5, line 6; claims 26, 30]." Office action at p. 4, last paragraph. The Applicant respectfully disagrees with any reading of Fuller et al. '299 implying that Fuller et al. '299 teaches or suggests associating a plurality of aural announcements with a given telephone number as claimed in the present application.

Fuller et al. '299 describes a "telephone control system" (or an "access control system" or a call handling system) that interfaces with a variety of means for communicating with a subscriber (or call-receiving party) to enhance the accessibility of that subscriber. Col. 3, ll. 35-37. The telephone control system is designed to connect an incoming caller, who is calling from a phone 26 in Fig. 1, with a subscriber via a variety of means (e.g., via a home phone 16, an office phone 18, a cellular phone 19, a car phone 20, a factory phone 22, a pay phone 23, a pager 25, a phone 14 in a remote room (e.g., a hospital room), or a portable communication device 11) via one of the following modes:

- In the "direct forwarding" mode, the caller's "call is forwarded without any announcement." Col. 5, ll. 55-58.
- In the "announced forwarding" mode, the system informs the caller (not the subscriber) via a single announcement that the call is being connected to the subscriber. Col. 6, ll. 5-14; see also col. 27, ll. 31-33 ("In this mode, callers are greeted with a brief courtesy announcement prior to being transferred.").
- In the "forwarding with page" mode, a couple of simple announcements are played for the caller to let the caller know that the subscriber is being paged. Col. 6, ll. 28-34.
- In the "message center" mode, the control system merely connects the caller to the subscribers message center and instructs the caller to leave a message. Col. 6, l. 43, to col. 7, l. 12.
- In the "priority-call screening" mode, the system again sends one or two messages to the caller concerning the availability of the subscriber. Col. 7, ll. 29-35 and ll. 38-40.
- In the "VIP code screening" mode, the system requires the caller to enter a special VIP code before the system will connect the caller to the subscriber. Col. 7,

ll. 57-59. Again, only the caller hears one or two messages. See, col. 8, ll. 1-5 and ll. 9-10.

- In the "voice screening" mode, the system again plays a message to the caller. Col. 8, ll. 30-34. In response, the caller provides his name and business, which the system records. The subscriber is then contacted, and the caller's name and business is played for the subscriber. Col. 8, ll. 44-47. Thus, in this mode, the subscriber received only a single, basic announcement identifying the caller by name and business.
- In the "branch routing" mode, the subscriber is a business, not a person. The system delivers a couple of instructional announcements to the caller. See col. 9, ll. 4-14.
- In the "meet me" mode, the system again plays a few instructional messages to the caller. See, col. 9, ll. 31-34. The announcement played to the subscriber in this mode does not inform the subscriber who is calling. See, col. 9, ll. 42-43.

The Fuller et al. '299 patent also discloses various methods of programming the telephone control system 1. See, e.g., col. 9, ll. 51- 58. These programming methods are irrelevant to the Applicant's claimed invention. The Fuller et al. control system 1 keeps tracks of how to connect to the subscriber via its internal database (col. 5, ll. 44-46) so the caller does not have to do so.

As noted above, the Examiner also expressly referred to Fig. 7 of the Fuller et al. '299 patent. Fig. 7 is a diagram of a subscriber master record, which "contains information regarding a given subscriber's chosen method of call handling." Col. 17, ll. 37-38. The subscriber master record contain items of information specific to the subscriber, like the unique telephone number used to reach the subscriber, the subscriber's PIN number, various telephone numbers on which the subscriber may be reached from time to time, and various standard messages to the caller. The "standard greeting type" 704 shown in Fig. 7 is the default "courtesy greeting announcement which the subscriber has selected for the Telephone Control System 1 to use when first answering a call." Col. 17, ll. 60-64. This is a single, outbound message to the caller. The "transfer message type" 706 shown in Fig. 7 is the default "courtesy announcement which the subscriber has selected for the access control system 1 to use as a call is being transferred." Col. 18, ll. 7-11. This also is a single, outbound message to the caller. Thus, neither Fig. 7 nor the discussion of this figure in the specification of the '299 patent describe a system making use of a plurality of aural announcements that are delivered to a call-receiving party to uniquely identify a caller to the call-receiving party.

Although the Fuller et al. '299 patent describes a control system to connect a caller with a call-receiving party via a plurality of means and a variety of operating and programming modes, Fuller et al. does not describe or suggest using a plurality of announcements delivered to a call-receiving party to communicate the identity of a calling party to the call-receiving party as in the Applicant's claimed invention. For at least the reasons set forth above in detail with specific references to the Fuller et al. '299 patent, Fuller et al. fails to teach or suggest this aspect of the Applicant's claimed invention.

The Applicant, therefore, respectfully submits that independent claims 1 and 2 are neither taught nor suggested by the Kong '859 patent whether considered alone or in combination with the Fuller et al. '299 patent. Claim 3 depends directly from independent claim 2 and is allowable as depending from an allowable base claim. The Applicant also asserts that the limitation of claim 3 itself is neither disclosed nor rendered obvious by Kong and Fuller et al. whether considered alone or in combination. The Applicant respectfully submits that claim 22, which depends directly from independent claim 2 is allowable as depending from an allowable base claim. The Applicant also asserts that the limitation of claim 22 itself is neither disclosed nor rendered obvious by Kong and Fuller et al. whether considered alone or in combination.

In view of these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-3 and 22 under § 103(a).

**Allowable Subject Matter**

According to page 6 of the Office action, claims 6-13 are allowable. In addition, the Examiner stated that claims 4 and 5 are "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In response, the Applicant has added new independent claims 25 and 26. New independent claim 25 is essentially an independent expression of dependent claim 4, including all of the limitations of base claim 2 and intervening claim 3. New independent claim 26 is essentially an independent expression of dependent claim 5, and includes all of the limitations of base claim 2 and all of the limitations of dependent claim 3. Dependent claim 5 did not previously depend from claim 3, but the Applicant has written new independent claim 26 as though claim 5 had depended from claim 3.

The Examiner also stated on page 6 that claims 4 and 5 "are objected to because claim 4 uses selects one of announcements randomly, and claim 5 selects one of announcements pseudo-randomly." The Applicant cannot understand what the Examiner wants addressed. "Randomly" and "pseudo-randomly" are different as explained in the

specification at, for example, paragraphs [0050] and [0051] of the application as originally filed. If the Examiner still has questions, he is encouraged to contact the undersigned attorney.

**New Independent Claims 23 and 24**

In addition to new independent claims 25 and 26, which are discussed above, the Applicant also added new independent claims 23 and 24. Independent claim 23 is based upon and includes all of the limitations of independent claim 2 and dependent claim 4. Independent claim 24 is based upon and includes all of the limitations of independent claim 2 and dependent claim 5.

**Conclusion**

Applicant believes that each of the pending claims is now in condition for allowance. If the Examiner has any further questions, he is encouraged to contact the undersigned attorney.

Respectfully submitted electronically this 19th day of May 2008.

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